

**Lieff
Cabraser
Heimann &
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Attorneys at Law

Nicholas Diamand

PARTNER

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Nicholas Diamand is a partner in Lieff Cabraser's New York office with a practice focused on digital privacy, consumer fraud and domestic and international securities fraud cases.

Nick's present and past case work concerning consumer fraud includes digital privacy litigation against Facebook, LinkedIn and Sony, among others. He acts on behalf of children and their parents in data breach litigation against Disney, Viacom and other online game and app producers alleging violations of unlawful export, exploitation, and monetization of children's personal information from mobile games without parental consent. Nick is also working on consumer litigation against Volkswagen and British Airways as well as previously having litigated against the nation's largest banks for their unfair and deceptive practices to maximize the occurrence of overdraft fees, and against oil companies for the recovery of gas royalty underpayment claims in which plaintiffs recovered more than \$100 million in cash and future benefits. His present and past case work concerning securities and financial fraud includes litigation against Facebook, AIG, Bank of New York Mellon, and Bank of America. He is actively involved in the Wells Fargo Shareholder Derivative Litigation in which Lieff Cabraser is Court-appointed Co-Lead Plaintiffs' Counsel.

Nick has worked on personal injury and mass tort cases (representing nearly two-thousand hemophiliacs from 24 countries who contracted HIV and/or HCV from contaminated blood products in litigation against major American pharmaceutical companies that settled in 2009); employment litigation (representing Wal-Mart workers in New York and Washington state who alleged they were deprived of meal and rest breaks and forced to work off-the-clock at Wal-Mart stores); and environmental litigation (resolving the claims of more than 500 individuals in Eastern Kentucky arising from an October 2000 coal sludge disaster).

On January 1, 2017, Nick was appointed to the Advisory Council of The Center for Democracy & Technology, and is the current Chair of the Consumer Privacy/Data Breach Litigation Group of the American Association for Justice.

On a pro bono basis, as part of Trial Lawyers Care (a project of the American Association for Justice), Nick represented several individuals, including an injured firefighter, in appeal hearings before the September 11th Victim Compensation Fund.

**COMPOSITE
EXHIBIT H**

He graduated from Columbia College and attended the College of Law in London before first training and then practicing for four years at Herbert Smith in London and Hong Kong. At Herbert Smith, Nick represented the Law Society of England and Wales in a race and sex discrimination suit. Nick remains a solicitor licensed to practice law in England and Wales.

He received his LLM from Columbia University Law School and clerked for Edward R. Korman, the then-Chief Judge of the U.S. District Court, Eastern District of New York.

Areas of Practice

Consumer Protection, Securities & Investor Fraud, Personal Injury & Mass Torts, International Law

Education

College of Law, London, England; C.P.E. - 1997

College of Law, London, England; L.P.C. - 1997

Honors: Commendation

Columbia Law School, New York, New York; LL.M. - 2002

Honors: Stone Scholar

Columbia University, New York, New York; B.A. (Magna Cum Laude) - 1992

Bar Admissions

New York, 2003

England, 1999

Wales, 1999

U.S. Supreme Court, 2013

U.S. Court of Appeals 2nd Circuit, 2016

U.S. Court of Appeals 7th Circuit, 2006

U.S. Court of Appeals 9th Circuit, 2016

U.S. District Court Eastern District of New York, 2003

U.S. District Court Southern District of New York, 2003

U.S. District Court Northern District of New York, 2006

U.S. District Court Western District of New York, 2006

U.S. District Court, District of Colorado, 2007

Professional Associations and Memberships

American Association for Justice (Chair, Consumer Privacy/Data Breach Litigation Group, 2016)

Association of the Bar of the City of New York

International Corporate Governance Network

New York State Bar Association

Public Justice Foundation

Published Works

"Spokeo Still Standing: No Sign of a Circuit Split" (with Andrew Kaufman), Law360, 2016

"Spotlight on Spokeo: A Win for Consumers" (with Andrew Kaufman), Law360, 2016

"Fraud on the Market in a Post-Amgen World" (with M. Miarmi), Trial Magazine, November 2013

Honors and Awards

"Super Lawyer for New York Metro," Super Lawyers, 2013 - 2016

"Super Lawyer Business Edition" (Securities Litigation), Super Lawyers, 2016

"Rising Star for New York Metro," Super Lawyers, 2012

Lieff Cabraser Heimann & Bernstein, LLP

Lieff Cabraser Heimann & Bernstein, LLP, is a seventy-attorney, AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Seattle. Lieff Cabraser has a diversified practice, successfully representing plaintiffs in the fields of consumer protection, cybersecurity and data privacy, antitrust and intellectual property, employment discrimination and unlawful employment practices, environmental and toxic exposures, False Claims Act, personal injury and mass torts, product defect, securities and financial fraud, and human rights. Our clients include individuals, classes and groups of persons, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in federal and state coordinated, multi-district, and complex litigation across the U.S. and internationally.

Lieff Cabraser is among the largest U.S. firms that only represent plaintiffs. Described by *The American Lawyer* as "one of the nation's premier plaintiffs' firms," Lieff Cabraser enjoys a national reputation for professional integrity and the successful prosecution of our clients' claims. Our attorneys have litigated and resolved thousands of individual lawsuits and hundreds of class and group actions, including some of the most important civil cases in the United States over the past four decades. We have assisted our clients in recovering over \$118 billion in verdicts and settlements. Twenty-six cases have been resolved for over \$1 billion; another 42 have resulted in verdicts or settlements at or in excess of \$100 million.

The *National Law Journal* has recognized Lieff Cabraser as one of the nation's top plaintiffs' law firms for fourteen years through 2016 (the last year its "Hot List" awards were given). In compiling its list, the *Journal* looks for firms "representing the best qualities of the plaintiffs' bar and that demonstrated unusual dedication and creativity." In 2014, the *Journal* separately recognized Lieff Cabraser as one of the 50 Leading Plaintiffs Firms in America.

From 2011 through 2016, *U.S. News and Best Lawyers* selected Lieff Cabraser as a national "Law Firm of the Year." In 2011, 2012, 2014, and 2015, we were recognized in the category of Mass Torts Litigation/Class Actions – Plaintiffs. In 2013, the publications selected Lieff Cabraser as the nation's premier plaintiffs' law firm for Employment Law – Individuals. In 2016, we were again recognized for Mass Torts Litigation/Class Actions – Plaintiffs. Only one law firm in each practice area receives the "Law Firm of the Year" designation.

In 2016, *Benchmark Litigation* named Lieff Cabraser to its "Top 10 Plaintiff Firms in America" list, the *National Law Journal* chose our firm as one of nine "Elite Trial Lawyers" nationwide, and *Law360* selected Lieff Cabraser as one of the "Top 50 Law Firms Nationwide for Litigation." The publication separately noted that our firm "persists as a formidable agency of change, producing world class legal work against some of the most powerful corporate players in the world today." In 2017, *Law360* named Lieff Cabraser one of six "California Powerhouse" firms for litigation, the only plaintiffs' firm so honored. *Law360* also singled out Lieff Cabraser for 2017 Practice Group of the Year awards in the categories of Consumer Protection and Digital Privacy/Data Protection.

Lieff Cabraser has a 45 year history of fighting for consumer rights, and is committed to ensuring that consumers' fundamental right to privacy is respected and endures even as technology evolves and society changes. Our attorneys possess extensive experience and the requisite technological background to successfully assert and litigate a comprehensive range of privacy and data security claims. We are at the forefront of cutting-edge litigation representing consumers in precedent-setting cases impacting hundreds of millions of Americans against prominent technology, healthcare, social media, and entertainment companies for violations of digital privacy rights and the failure to protect critically-sensitive personal and employee data.

Our firm's cybersecurity and data privacy successes include *In re Anthem Inc. Data Breach Litigation*, No. 5:15-md-02617 (N.D. Cal.) (\$115 million settlement); *Campbell v. Facebook*, No. 4:13-cv-05996 (N.D. Cal.) (injunctive relief settlement); *Ebarle v. LifeLock Inc.*, No. 3:15-cv-00258 (N.D. Cal.) (\$68 million settlement); *Perkins v. LinkedIn*, No. 13-CV-04303-LHK (N.D. Cal.) (\$13 million settlement); *Corona v. Sony Pictures Entertainment*, No. 2:14-CV-09660-RGK (C.D. Cal.) (\$8 million settlement); and *Matera v. Google Inc.*, No. 5:15-cv-04062 (N.D. Cal.) (\$2.2 million settlement including injunctive relief).

Lieff Cabraser cybersecurity and data privacy and consumer law practice chair Michael Sobol has been recognized by *Law360* as a 2017 Cybersecurity MVP, by the *National Law Journal* as a 2017 Cybersecurity & Data Privacy Trailblazer and by the *Daily Journal* as a Top California Cybersecurity Lawyer for 2018. Further, Mr. Sobol served as trial counsel in a case that resulted in a \$203 million judgment in which Judge Alsup said that Lieff Cabraser's trial performance "ranks as one of the best this judge has seen in sixteen years on the bench." *Gutierrez v. Wells Fargo Bank, N.A.*, No. 07-cv-05923 (N.D. Cal.).

Lieff Cabraser's MDL successes include serving as Plaintiffs' sole Lead Class Counsel and Chair of the Plaintiffs' Steering Committee in *In re Volkswagen "Clean Diesel" MDL*, MDL No. 2672 (N.D. Cal.) (settlements valued at \$11.2-\$14.2 billion); Plaintiffs' Executive Committee in *In re Checking Account Overdraft Litigation*, MDL No. 2036 (S.D. Fla.) (\$410 million settlement); Plaintiffs' Steering Committee in *In re Neurontin Marketing & Sales Practices Litigation*, MDL No. 1629 (D. Mass.) (\$325 million settlement); Plaintiffs' Liaison Counsel and Plaintiffs' Executive Committee in *In re Chase Bank USA, N.A. "Check Loan" Contract Litigation*, MDL No. 2032 (N.D. Cal.) (\$100 million settlement); Co-Lead Counsel in *In re Capital One TCPA Litigation*, MDL No. 2416 (N.D. Ill.) (\$75 million settlement); Co-Lead Counsel in the *In re Synthroid Marketing Litigation*, MDL No. 1182 (N.D. Ill.) (\$87.4 million settlement); Consumer Co-Counsel in *In re Lawn Mower Engine Horsepower Marketing and Sales Practices Litigation*, MDL No. 1999 (E.D. Wi.) (\$65 million settlement); and on the Executive Committee of the Plaintiffs' Steering Committee in *Vytorin/Zetia Marketing, Sales Practices & Products Liability Litigation*, MDL No. 1938 (D. N.J.) (\$41.5 million settlement).

Lieff Cabraser proudly supports the goals of civil rights, human rights, increased access to legal services, and initiatives by the legal community to improve civil justice. Our lawyers have been appointed to leadership positions at the ABA, the American Association for Justice, Consumer Attorneys of California, the American Constitution Society, the Center for Democracy and Technology, Equal Justice Works, and the Anti-Defamation League.

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